

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT FESSLER
11796 MONITOR-MCKEE ROAD
WOODBURN, OREGON 97071

503-634-2231

to use the waters of ONE WELL in the ZOLLNER CREEK BASIN for IRRIGATION OF 31.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 30.2 ACRES.

This Permit is issued approving Application G-12002. The date of priority is DECEMBER 26, 1989. The use is limited to not more than 0.768 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SE 1/4, SECTION 35, T 5 S, R 1 W, W.M.; 805 FEET NORTH AND 1645 FEET WEST FROM SE CORNER, SECTION 35.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The permit shall be limited to any deficiency in the available supply of any prior permit for the same land and shall not exceed the limitation allowed herein.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under the permit is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 SE 1/4	29.5 ACRES	
SW 1/4 SE 1/4	1.8 ACRES	30.0 ACRES
SECTION 35		
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.		

The water user shall report a March static water level in the well to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, or professional engineer.

Use of water from the well shall not be allowed under this permit if the well displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the wells are those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the Department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before November 26, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Issued this date, NOVEMBER 26, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

